

FILED
DISTRICT COURT OF GUAM
FEB - 1 2007
MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM

UNITED STATES OF AMERICA
Plaintiff,

vs.

RAFEL NESBITT
Defendant.

CRIMINAL CASE NO. 06-00110-001

INFORMATIONAL REPORT

On December 14, 2006, Rafael Nesbitt made an initial appearance before Magistrate Judge Joaquin V. E. Manibusan, Jr. on an Information charging him with Count I: Theft of Government Property, in violation of 18 U.S.C. § 641, and Count II and III: Entering Military, Naval, or Coast Guard Property, in violation of 18 U.S.C. § 1382. Mr. Nesbitt was granted pretrial release with conditions. He is alleged to have committed the following in violation of 18 U.S.C. § 314(c)(B)(xiv):

Special condition: *Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweatpatch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing for anabolic steroids.*

Rafel Nesbitt failed to report for substance abuse testing on December 29, 2006 and January 11, 16, and 30, 2007. He was returned to phase one day one. He was also counseled and advised that further noncompliance will result in further Court action.

Supervision Compliance: This Officer has no information that suggests that the defendant is not in compliance with other conditions of pretrial release. Mr. Nesbitt has tested negative for the use of controlled substances on four occasions. He has never tested positive.


ORIGINAL

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Recommendation: This report is informational in nature it is respectfully requested that no action be taken. Ryan M. Anderson, SAUSA, was informed of the violation and concurs with the recommendation. Mark Smith, defense attorney, has been informed of the defendant's violation and has agreed to assist in bringing his client into compliance.

Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By: 
GRACE D. FLORES
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Ryan M. Anderson, SAUSA
Mark Smith, Defense Attorney
File